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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,800	11/18/2003	Timothy W. Giralдин	8591-113	6779

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DUCKOR SPRADLING METZGER
401 WEST A STREET, SUITE 2400
SAN DIEGO, CA 92101-7915

EXAMINER

MANCHO, RONNIE M

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,800

Applicant(s)

GIRALDIN ET AL.

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 10-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 9/14/06.

2. Applicant's election with traverse of claims 1-9 in the reply filed on 9/14/06 is acknowledged. The traversal is on the ground(s) that the groups of claims are similar. This is not found persuasive because although the applicant indicates that the claims are similar, the applicant did not state if the claims were patentably not distinct or obvious variants.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In independent claims 1, 10, and 19, the applicant recites, "a guest". Later in the claim, the applicant recites "the guest physically at the displaying station". There is no antecedent for the limitation, "the guest at the displaying station".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaukel (6100806).

Regarding claim 1, Gaukel (abstract, figs. 1-3, 13, 14) discloses a method of communication for a facility (figs. 13&14), comprising:

receiving personal identification information of a guest into at least one of a set of stations (80, 92, figs. 8-15; col. 12, lines 1-4; col. 11, lines 48-65) distributed throughout the facility (col. 8, lines 36 to col. 9, lines 1-32; col. 11-14);

displaying on any of the stations, at least one person icon or place icon on a map of the facility (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30);

receiving from the guest physically located at the displaying station a select signal indicative of at least one of said person icons or place icons (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30) located within the facility;

selecting a certain route from the displaying station to a location of the selected one of said icons (figs. 10-15); and

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displaying direction indicia from the location of the displaying station within the facility to the location of the selected one of said icons (figs. 13&14; col. 19, lines 1 to col. 20, lines 1-30).

Regarding claim 2, Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, wherein said place icon indicates an amenity, and further including displaying a menu message of a list of amenities disposed within the facility.

Regarding claim 3 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 2, further including receiving an amenity select signal indicative of at least one of said amenities

Regarding claim 4 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 3, further including displaying at least one amenity icon in response to said amenity select signal.

Regarding claim 5 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, wherein said direction indicia is in the form of a line extending to the selected indicia.

Regarding claim 6 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, further including determining a direct route to the selected icon, said direction indicia being indicative of the determined direct route.

Regarding claim 7 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, further including determining a scenic route to the selected icon, said direction indicia being indicative of the determined scenic route.

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Regarding claim 8 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, further including determining a handicapped person's route to the selected icon, said direction indicia being indicative of the handicapped person's route.

Regarding claim 9 Gaukel (abstract, figs. 1-3, 13, 14; cols. 17-19) discloses the method according to claim 1, further including displaying at least two of a group of person icons and place icons, said direction indicia between said at least two icons.

Response to Arguments

8. Applicant's arguments filed 3/31/06 have been fully considered but they are not persuasive.

The applicant is arguing that the prior art does not anticipate the invention because they have amended the claims to overcome the rejection. In response, the examiner respectfully disagrees. The sections in the prior art that anticipate the limitations in the claims above have been cited.

In an earlier argument, the applicant further argues that the prior art does not disclose displaying a direction from the displaying station to a selected one of said icons. The examiner again disagrees. It noted that the applicant admits that the prior art used GPS and disclose a path traveled from one location to another. GPS inherently is used all over the world and gives directions or paths from any point on earth to any other point on earth. It is further noted that fig. 14 shows a path from one location to another. The tracking stations 80, 92 (distributed in the confined area) of the prior art actually track the movements of a prisoner for example within a confined area. If the prisoner violates the law by traveling to a forbidden area, the tracking

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stations see his movements on the tracking station displays and a route from the tracking station to the prisoner is determined so that law enforcement officers apprehend the prisoner or further actions taken.

Further, in the earlier argument, the applicant further argues that there is no teaching of receiving personal identification from a guest. The examiner disagrees. A prisoner wearing the tracking system is given an ID so that the particular prisoner is properly tracked.

Further, in the earlier argument, the applicant further argues that the prior art does not select an icon. It is noted that the prior art disclose many icons indicating the person or object tracked on the drawings of the prior art.

Further, in the earlier argument, the applicant further argues that the prior art does not select any route but admits that the prior art disclose a selected path on which a tracked person or object is traveling. The examiner does not understand the basis of the argument.

It is believed that the rejections are proper and stand.

Communication

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho
Examiner
Art Unit 3663

11/26/06



JACK KEITH
SUPERVISORY PATENT EXAMINER